

## Nelson, James

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**From:** Blume, Michael (USANYE)  
**Sent:** Monday, November 20, 2023 2:24 PM  
**To:** A SINCLAIR; Dietert, Zachary A.; Nelson, James  
**Subject:** RE: [EXTERNAL] Good Faith Efforts to Confer United States v. B4B Earth Tea LLC, et al.  
**Attachments:** RE: [EXTERNAL] Earth Tea Proposal; B4B Proposed Stipulated Order 9-14-23.docx

**Categories:** Copied to AMMS, "B4B Earth Tea; Sinclair, Antho"

Mr. Sinclair,

Thank you for your email and your request that we confer about your assertions that the United States has somehow provided you with deficient responses to your discovery requests. From your email, it appears that you seek (1) the identity of any individual who complained to the government that your product does not work and (2) research conducted by the government concerning your product.

As for (1), in our discovery responses, we answered your requests. There is no additional responsive information that we have or that we can provide. Even were the Court to compel the United States to provide you with a response to your request, our answer would be the same. Note, too, that nothing in the case requires that the United States prove that consumers complained that your product does not work as claimed. Whether consumers complained or did not complain about your product is irrelevant to our causes of action.

As for (2), we have also answered your requests. To the extent that what you are seeking are materials that fall into the category of expert opinion, our responses to your discovery requests state that we will disclose any such material to you pursuant to the rules that set the timing for such disclosures. Those rules are set out at Federal Rule of Civil Procedure 26(a)(2).

You mention settlement. We have, on several occasions, provided you with draft agreements that would be acceptable to the United States. And we have offered a number of concessions to you in seeking to resolve this matter. You have rejected all of our proposals, which, of course, is your prerogative. If you wish to re-start those settlement discussions, then provide us with your written, proposed changes to the draft agreement that is the subject of the attached email exchange.

Finally, we will remind you, in brief summary, of the discussions that we have had with you about the nature of this case. Boiled down to its essence and as we have repeatedly conveyed to you, the case is based on the fact that you made claims about your product for which you did not have sufficient evidence. Many of those claims were drug claims under the law because they claimed that your product treats, prevents, or cures an illness or disease like COVID-19. It is not up to the United States to disprove your drug claims; rather, it is up to you to demonstrate that you had sufficient scientific evidence for them. You never have. And the "study" on which you seem to rely does not come close to the kind of evidence that would be sufficient to support the claims you make about your product. Moreover, despite making drug claims about your product, you have never obtained any required drug approval from the federal government.

Mike

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**From:** A SINCLAIR <asinclairhg@gmail.com>  
**Sent:** Monday, November 20, 2023 8:55 AM  
**To:** Dietert, Zachary A. <Zachary.A.Dietert@usdoj.gov>; Blume, Michael (USANYE) <MBlume@usa.doj.gov>; OCL Files (CIV) <ofiles@CIV.USDOJ.GOV>; Nelson, James <James.Nelson2@usdoj.gov>  
**Subject:** [EXTERNAL] Good Faith Efforts to Confer United States v. B4B Earth Tea LLC, et al.

Mr Blume,

Good Day. I think you are the leading attorney on this case. I'm doing a good faith efforts of confer before filing my motion to compel.

Your lawsuit accused me of false advertising, misleading advertising, scam, fraud, deception, fraudulent claims, deceptive advertising and hurting Americans. We have had numerous conferences and back and forth with agreements. Until this day you haven't produced one single instance of evidence where my words were false or misleading. You must have at least one person who contacted the USA Government federal or locally about my product failure.

I will file a Motion to compel for the person who reported that my product does not work or a research that was done to backup false advertising, false claims, scam, fraud, deceptive advertising, misleading advertising and others mentioned in your lawsuit and online publications.

I've said since day one and my product and website clearly states at all times, natural supplement, but instead of alerting me of a missing disclaimer you have repeatedly accused me of selling a drug or promoting a drug when we both know that's not the case.

The judge repeatedly ask us to come up with an agreement but you're constantly asking me to agree to your accusations, which is all false.

I should be able to restructure my company in a state of my choice, produce my product at home until I can afford a location, correct my online profiles and add the disclaimer to my product and publications.

We can have a simple agreement if you're willing to remove all the accusations and treat my product as a natural supplement which it is. If you have at least one person who reported me you may please let me know. As I stated I'm doing a Good faith efforts to confer as the law site suggested.

If there's no success here I will file then file a Motion for Summary judgment after this Motion to compel.

Thanks for your time

Andrew Sinclair.

On Sat, Nov 18, 2023, 6:46 AM A SINCLAIR <[asinclairhg@gmail.com](mailto:asinclairhg@gmail.com)> wrote:

Morning plaintiff,

just ensuring everyone gets this directly, I couldn't see your individual emails yesterday.

I read your responses to my interrogatories and I'm asking you if you can really look into your hearts everyone of you, and drop this case against me. You know that you do not have any evidence and I have done nothing wrong and nothing "illegal".

I am prepared to make my case Nov 28th but I'm just trying to see if you have the decency to admit you made a mistake by underestimating my product.

My God come into your life for at least once. 🙏

Andrew Sinclair

Defendant

----- Forwarded message -----

From: **A SINCLAIR** <[asinclairhg@gmail.com](mailto:asinclairhg@gmail.com)>  
Date: Fri, Nov 17, 2023, 5:06 PM  
Subject: Re: United States v. B4B Earth Tea LLC, et al.  
To: Dietert, Zachary A. <[Zachary.A.Dietert@usdoj.gov](mailto:Zachary.A.Dietert@usdoj.gov)>

Mr Zachary, appreciate it.  
Response to Discovery is attached..

On Fri, Nov 17, 2023, 4:54 PM Dietert, Zachary A. <[Zachary.A.Dietert@usdoj.gov](mailto:Zachary.A.Dietert@usdoj.gov)> wrote:

Mr. Sinclair,

Attached are the United States' interrogatory responses.

Regards,

Zach

**Zachary A. Dietert**

Trial Attorney

U.S. Department of Justice

Consumer Protection Branch

(202) 616-9027

[Zachary.A.Dietert@usdoj.gov](mailto:Zachary.A.Dietert@usdoj.gov)